

To the Honorable Council City of Norfolk, Virginia

February 9, 2016

From:

George M. Homewood, AICP, CFM, Planning Director

Subject:

To renew a previously granted special exception for an entertainment establishment

with alcoholic beverages at 1310 Colley Avenue - Peck and Pour

Reviewed:

Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 2/6

Approved:

Wanton

Item Number:

R-4

Marcus D. Jones, City Manager

- Staff Recommendation: Approval.
- II. Commission Action: By a vote of 7 to 0, the Planning Commission recommends Approval.
- III. Request: Special exception entertainment establishment with alcoholic beverages
- IV. Applicant: Peck and Pour World Class Wings and Beer

V. Description:

- The site is located on the east side of Colley Avenue, between Baldwin Avenue and Maury Avenue, in the Ghent Business District.
- Granting this request will allow the existing establishment, Peck and Pour World Class Wings and Beer, to renew their previously granted Special Exception with no proposed changes in operation or management.

	Prior (Peck and Pour)	Proposed	
Hours for Alcoholic Beverages	11:00 a.m. until 2:00 a.m., seven days a week		
Hours for Entertainment	11:00 a.m. until 11:00 p.m., seven days a week		
Entertainment Options	Karaoke	Same	

Staff point of contact: Matthew Simons at 664-4750, matthew.simons@norfolk.gov

Attachments:

- Staff Report to CPC dated January 28, 2016 with attachments
- Proponents and Opponents
- Ordinance



Planning Commission Public Hearing: January 28, 2016

Executive Secretary: George M. Homewood, AICP, CFM

Planner: Matthew Simons, AICP, CZA, CFM M. J.

Staff Report	Item No. 18		
Address	1310 Colley Avenue		
Applicant	nnt Peck and Pour World Class Wings and Beer		
Request	Special Exception	Special Exception Renew a previously granted entertainment establishment with alcoholic beverages	
Property Owner	roperty Owner L & H Real Property, LLC (Richard Levin)		
	Site/Building Area	3,333 sq. ft./2,000 sq. ft.	
	Future Land Use Map	Commercial	
Site Characteristics	Zoning	C-2 (Corridor Commercial) and PCO-21st Street	
	Neighborhood	Ghent Business District	
	Character District	Traditional	
	North	C-2 and PCO-21 st Street: Colley Cantina and Starbucks	
Surrounding Area	East	R-8 (Single-Family): single-family homes	
	South	C-2 and PCO-21 st Street: AT&T and Color Me Mine	
	West	IN-1 (Institutional): First Lutheran Church	



A. Summary of Request

- The site is located on the east side of Colley Avenue, between Baldwin Avenue and Maury Avenue, in the Ghent Business District.
- Granting this request will allow the existing establishment, Peck and Pour World Class Wings and Beer, to renew their previously granted Special Exception with no proposed changes in operation or management.

B. Plan Consistency

The proposed special exception is consistent with *plaNorfolk2030*, which designates this site as commercial.

C. Zoning Analysis

i. General

• The site is located in C-2 (Corridor Commercial) and Pedestrian Commercial Overlay District – Colley Avenue (PCO-Colley) zoning districts, which permit the proposed use with a special exception.

	Prior (Peck and Pour)	Proposed	
Hours of Operation	10:00 a.m. until 2:00 a.m., seven days a week	Same	
Hours for Alcoholic Beverages	11:00 a.m. until 2:00 a.m., seven days a week	Same	
Hours for Entertainment	11:00 a.m. until 11:00 p.m., seven days a week	Same	
Entertainment Options	Karaoke	Same	
Seating	72 seats indoors16 seats outdoors102 total capacity	Same	

Special exception history:

City Council Approval	Applicant	Changes	
2004	Bella Pizzeria	Eating and drinking establishment	
2014	Peck and Pour – World Class Wings and Beer	Change in owner/operatorAdditional hoursAddition of karaoke	
Pending	Peck and Pour – World Class Wings and Beer	Renewal of special exception	

ii. Parking

- The adjacent parking lot to the rear is developed with 20 spaces, sufficient to accommodate the parking requirements for the establishment.
- There are two existing bicycle racks within the public right-of-way, which are able to accommodate four bicycles.
- Since no increase in indoor seating or square footage is being proposed for the establishment, no additional parking is required.

iii. Flood Zone

The property is located in the X Flood Zone, which is a low-risk flood zone.

D. Transportation Impacts

- Institute of Transportation Engineers figures calculate forecast travel for restaurants based upon the total seating of an establishment.
- Since no increase in indoor seating is being proposed for the site, no additional trips are projected.

E. Historic Resources Impacts

- The site is not located within a federal, state, or local historic district.
 - Since the structure on the site is at least 50 years old, the site could potentially meet the criteria for designation as a federal, state or local historic resource under the Department of Historic Resources guidelines.

F. Public Schools Impacts

This site is located within the Taylor Elementary School, Blair Middle School, and Maury High School Attendance Zones.

G. Environmental Impacts

- Several site improvements were required as part of the original special exception approval:
 - A six-foot solid wood fence has been installed along the rear property line, immediately adjacent to the single-family home to the east.
 - Landscaping has been installed and maintained between the parking lot and the Baldwin Avenue sidewalk edge, as well as along the rear property line, separating the parking lot from the immediately adjacent residence.
 - A trashcan enclosure has been installed and maintained along the western property line, adjacent to the rear edge of the Colley Cantina and Starbucks.
 - All landscaping has been installed in accordance with a landscape plan, which has been reviewed and approved by the City's landscape architect, to ensure an evergreen species is planted of sufficient height and density to adequately buffer the site.

H. Surrounding Area/Site Impacts

- The site is located in a district surrounded by a mix of commercial, residential and institutional uses nearby.
- A security survey was performed by the Norfolk Police Department (NPD) in the Spring of 2015.
 - All required site improvements to address the NPD's CPTED (Crime Prevention Through Environmental Design) concerns were completed and approved prior to the initial opening of the establishment.
- Over the past year there has been one call for police service with no arrest made.
 - The call for service concerned a report by the establishment of an act of vandalism.

I. Payment of Taxes

The owner of the property is current on all real estate taxes.

J. Civic League

Notice was sent to the Ghent Neighborhood League and Ghent Business Association on December 16.

K. Communication Outreach/Notification

- Legal notice was posted on the property on December 15.
- Letters were mailed to all property owners within 300 feet of the property on January 15.
- Legal notification was placed in The Virginian-Pilot on January 14 and January 21.

L. Recommendation

Staff recommends that the special exception request be **approved** subject to the conditions shown below:

Entertainment Establishment - Conditions

- (a) The hours of operation for the establishment shall be limited to 10:00 a.m. until 2:00 a.m. the following morning, seven days per week. No use of the establishment outside of the hours of operation listed herein shall be permitted.
- (b) The hours for the sale of alcoholic beverages shall be limited to 11:00 a.m. until 2:00 a.m. the following morning, seven days per week.
- (c) The hours for entertainment shall be limited to 11:00 a.m. until 11:00 p.m., seven days per week.
- (d) The seating for the establishment shall not be less than 48 seats indoors, shall not be more than 16 seats outdoors, and the total occupant capacity, including employees, shall not exceed 102 people.

- (e) The layout of the establishment shall adhere to the specifications of the floor plans attached hereto and marked as "Exhibit B." Any tables, chairs, booths, stools or other movable furniture may be relocated provided that it remains only within the shaded areas, and the unshaded accesses, aisles, and other areas shown on the floor plans shall remain unobstructed.
- (f) No portion of the outdoor dining area shall be enclosed and any covering must leave the dining space open on at least three sides.
- (g) The site shall be maintained in accordance with the attached site and landscape plan, attached hereto and marked as "Exhibit C," which includes the following elements:
 - (1) Plantings that form a continuous hedge along the property line and south of the sidewalk along Baldwin Avenue, limited to no more than 24 inches in height.
 - (2) In order to shield the adjacent residential property, a continuous hedge shall be maintained along the eastern property line adjacent to the parking lot where shown on the attached plan, attached hereto and marked as "Exhibit C," which includes a six (6) foot tall wooden privacy fence installed along the eastern property line extending from the northernmost point of the existing fence and continuing northwardly to a point approximately 10 feet from the northern property line, in line with the front face of the adjacent home on Baldwin Avenue.
 - (3) The street trees within the landscape verge between the sidewalk and curb along Baldwin Avenue shall be continually maintained and shall be replaced by the operator at the operator's expense in the event any one of them dies or is destroyed.
 - (4) A dumpster or trash enclosure shall be installed and maintained where indicated on the site plan marked as "Exhibit C" and attached hereto and shall include a six (6) foot solid wood fence with a locking gate, as shown in "Exhibit C". Landscaping to surround the dumpster or trash enclosure shall be installed and maintained as indicated in "Exhibit C".
- (h) All landscaping installed on the site premises shall be maintained in a healthy growing condition at all times and shall be replaced when necessary.
- (i) Only one sign, no bigger than six (6) square feet and no higher than 24 inches high, shall be permitted for the purpose of identifying and regulating patrons' use of the parking area. The sign must be located on the west side of the driveway apron within the verge between the parking area and the sidewalk along Baldwin Avenue.

- (j) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation or management of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier. Notwithstanding the above, no violation of this condition shall be deemed to have occurred if the only change in management is a result of one or more of the members of the management team identified in the Description of Operations ceasing to work at the establishment.
- (k) Entertainment shall only be provided indoors and shall be limited to karaoke. No other form of entertainment is permitted.
- (I) There shall be no dancing and no dance floor provided.
- (m) The layout of the establishment shall adhere to the specifications of the floor plans attached hereto and marked as "Exhibit B".
- (n) No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.
- (o) The establishment shall maintain a current, active business license at all times while in operation.
- (p) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.
- (q) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.
- (r) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the Special Exception so at to keep such areas free of litter, refuse, solid waste, and any bodily discharge.
- (s) The establishment shall maintain a designated driver program which shall provide, at minimum, that designated drivers may be served non-alcoholic beverages at no charge. The establishment shall describe the program in writing and its availability shall be made known to patrons via either a printed card placed on each table and on the bar or a description printed on the menu.

- (t) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.
- (u) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (v) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (w) Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.
- (x) An ABC manager, employed and compensated by the applicant, shall be present at all events held on the premises. This manager shall supervise the event at all times. The ABC manager shall be present on the premises at least one hour prior to the beginning of the event and shall remain on the premises until the event is concluded and the establishment is secured and locked. If alcohol is not served or consumed, a responsible supervisor, employed and compensated by the applicant, shall perform this function.
- (y) In addition to the ABC manager or supervisor, the applicant shall provide such additional paid staff as may be necessary to coordinate, supervise, and manage any event held on the premises.
- (z) No patrons or guests shall be charged a cover charge or fee for entry to the establishment.
- (aa) A binder or folder containing documentation relating to the operation of the establishment shall be kept on the premises at all times and shall be produced upon request made by any person. For purposes of this section, the documentation relating to the operation of the establishment shall include copies of the following:

- This Special Exception;
- (2) Any ABC license(s);
- (3) Any occupancy permit(s);
- (4) Certifications of all persons who work on the premises as a security guard;
- (5) All fire code certifications, including alarm and sprinkler inspection records:
- (6) Any health department permits;
- (7) The emergency action plan required under the Fire Prevention Code;
- (8) The names, addresses, and phone numbers of all persons who manage or supervise the establishment at any time;
- (9) The establishment's designated driver program; and
- (10) The establishment's Security Plan.
- (bb) The business shall provide in-house security or retain the services of a licensed security firm to provide security services at a rate of one security guard per 50 guest occupants on the property whenever occupancy shall exceed 76 people or when otherwise required by at least 36 hours prior written notice of the Fire Marshall, Chief of Police, or any designee of either. After 8:00 p.m. each Friday and Saturday as well as during special events, a security supervisor certified either in the Responsible Hospitality Training course offered by the City of Norfolk or in accordance with the requirements of the Virginia Department of Criminal Justice Services shall be present on the property.
- (cc) The written security plan submitted to the City as part of the application for this Special Exception and on file with the Department of Planning shall remain in full force and effect at all times while the establishment is in operation.

Attachments

Location Map

Zoning Map

1000' radii map of similar ABC establishments and Norfolk Public Schools

Application

Site/landscape plan

Notice to the Ghent Neighborhood League and Ghent Business Association

Proponents and Opponents

Proponents

Grace Yoo 1310 Colley Avenue Norfolk, VA 23517

Richard Levin 610 Pembroke Norfolk, VA 23517

Opponents

None

01/26/2016 lds

Form and Correctness Approved:

Office of the City Attorney

Contents Approved:

By _____

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION AUTHORIZING THE OPERATION OF AN ENTERTAINMENT ESTABLISHMENT WITH ALCOHOLIC BEVERAGES KNOWN AS "PECK AND POUR, WORLD CLASS WINGS AND BEER" ON PROPERTY LOCATED AT 1310 COLLEY AVENUE.

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to PNP Norfolk, LLC authorizing the operation of an entertainment establishment with alcoholic beverages named "Peck And Pour, World Class Wings and Beer" on property located at 1310 Colley Avenue. The property which is the subject of this Special Exception is more fully described as follows:

Property fronts 31 feet, more or less, along the eastern line of Colley Avenue, beginning 105 feet, more or less, from the southern line of Baldwin Avenue and extending southwardly; premises numbered 1310 Colley Avenue.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours of operation for the establishment shall be limited to 10:00 a.m. until 2:00 a.m. the following morning, seven days per week. No use of the establishment outside of the hours of operation listed herein shall be permitted.
- (b) The hours for the sale of alcoholic beverages shall be limited to 11:00 a.m. until 2:00 a.m. the following morning, seven days per week. No alcoholic beverages shall be sold outside of the hours of operation listed herein.
- (c) The hours for entertainment shall be limited to 11:00 a.m. until 11:00 p.m., seven days per week.

- (d) The seating for the establishment shall not exceed 48 seats indoors, 16 seats outdoors, and the total occupant capacity, including employees, shall not exceed 102 people.
- (e) No smoking shall be permitted anywhere in the outdoor dining area.
- (f) No portion of the outdoor dining area shall be enclosed and any covering must leave the dining space with open ventilation on at least three sides.
- (g) The site shall be maintained in accordance with the site and landscape plan attached hereto and marked as "Exhibit C," including all of the following elements:
 - (1) Plantings that form a continuous hedge along the property line and south of the sidewalk along Baldwin Avenue, limited to no more than 24 inches in height.
 - In order to shield the adjacent residential (2) property, a continuous hedge shall maintained along the eastern property line adjacent to the parking lot where shown on the attached plan, attached hereto and marked as "Exhibit C," which includes a six (6) foot tall wooden privacy fence installed along the eastern property line extending from the northernmost point of the existing fence and northwardly to a approximately 10 feet from the northern property line, in line with the front face of the adjacent home on Baldwin Avenue.
 - (3) The street trees within the landscape verge between the sidewalk and curb along Baldwin Avenue shall be continually maintained and shall be replaced by the operator at the operator's expense in the event any one of them dies or is destroyed.
 - (4) A dumpster or trash enclosure shall be installed and maintained where indicated on the site plan marked as "Exhibit C" and

attached hereto and shall include a six (6) foot solid wood fence with a locking gate, as shown in "Exhibit C". Landscaping to surround the dumpster or trash enclosure shall be installed and maintained as indicated in "Exhibit C".

- (h) All landscaping installed on the site premises shall be maintained in a healthy growing condition at all times and shall be replaced when necessary.
- (i) Only one sign, no bigger than six (6) square feet and no higher than 24 inches high, shall be permitted for the purpose of identifying and regulating patrons' use of the parking area. The sign must be located on the west side of the driveway apron within the verge between the parking area and the sidewalk along Baldwin Avenue.
- This special exception shall terminate in the event (j) of a change in ownership of the establishment and may be revoked in the event of a change in the operation or management of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier. Notwithstanding the above, no violation of this condition shall be deemed to have occurred if the only change in management is a result of one or more of the members of the management team identified in the Description of Operations ceasing to work at the establishment.
- (k) Entertainment shall only be provided indoors and shall be limited to karaoke. No other form of entertainment is permitted.
- (1) There shall be no dancing and no dance floor provided.
- (m) The layout of the establishment shall adhere to the specifications of the floor plans attached hereto and marked as "Exhibit B".

- (n) No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.
- (o) The establishment shall maintain a current, active business license at all times while in operation.
- (p) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.
- (q) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.
- (r) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the Special Exception so at to keep such areas free of litter, refuse, solid waste, and any bodily discharge.
- (s) The establishment shall maintain a designated driver program which shall provide, at minimum, that designated drivers may be served non-alcoholic beverages at no charge. The establishment shall describe the program in writing and its availability shall be made known to patrons via either a printed card placed on each table and on the bar or a description printed on the menu.
- (t) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.
- (u) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception.

Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

- (v) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (w) Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.
- (x) An ABC manager, employed and compensated by the applicant, shall be present at all events held on the premises. This manager shall supervise the event at all times. The ABC manager shall be present on the premises at least one hour prior to the beginning of the event and shall remain on the premises until the event is concluded and the establishment is secured and locked. If alcohol is not served or consumed, a responsible supervisor, employed and compensated by the applicant, shall perform this function.
- (y) In addition to the ABC manager or supervisor, the applicant shall provide such additional paid staff as may be necessary to coordinate, supervise, and manage any event held on the premises.
- (z) No patrons or guests shall be charged a cover charge or fee for entry to the establishment.
- (aa) A binder or folder containing documentation relating to the operation of the establishment

shall be kept on the premises at all times and shall be produced upon request made by any person. For purposes of this section, the documentation relating to the operation of the establishment shall include copies of the following:

- (1) This Special Exception;
- (2) Any ABC license(s);
- (3) Any occupancy permit(s);
- (4) Certifications of all persons who work on the premises as a security guard;
- (5) All fire code certifications, including alarm and sprinkler inspection records;
- (6) Any health department permits;
- (7) The emergency action plan required under the Fire Prevention Code;
- (8) The names, addresses, and phone numbers of all persons who manage or supervise the establishment at any time;
- (9) The establishment's designated driver program; and
- (10) The establishment's Security Plan.
- (bb) The business shall provide in-house security or retain the services of a licensed security firm to provide security services at a rate of one security guard per 50 guest occupants on the property whenever occupancy shall exceed 76 people or when otherwise required by at least 36 hours prior written notice of the Fire Marshall, Chief of Police, or any designee of either. After 8:00 p.m. each Friday and Saturday as well as during special events, a security supervisor certified either in the Responsible Hospitality Training course offered by the City of Norfolk or in accordance with the requirements of the Virginia Department of Criminal Justice Services shall be present on the property.

(cc) The written security plan submitted to the City as part of the application for this Special Exception and on file with the Department of Planning shall remain in full force and effect at all times while the establishment is in operation.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted general plan and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in

the destruction, loss or damage of natural, scenic or historic features of significant importance;

- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That the Special Exception granted hereby amends the previously granted special exception permitting an entertainment establishment on this property, adopted on November 25, 2014 (Ordinance NO. 45,791). All provisions and conditions previously approved are entirely superseded by the terms of this Special Exception.

Section 5:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENTS:

Exhibit A (4 pages)

Exhibit B (3 pages)

Exhibit C (1 page)



EXHIBIT "A" Description of Operations Entertainment Establishment (Please Print)

•			
Date			
Trade name of business Peck and Pour, World Class Wings and Beer.			
Address of business 1310 Colley Ave Norfolk, Va 23517.			
Name(s) of business owner(s)* Grace 100 dba PNP Nortolk, LLC			
Name(s) of property owner(s)* L+ H Real Property, LLC - Richard Levin			
Name(s) of business manager(s)/operator(s) Grace 400, Younsik 400.			
Daytime telephone number (751) 869-8316.			
*If business or property owner is a partnership, all partners must be listed. *If business or property owner is an LLC or Corporation, all principals must be listed.			
1. Proposed Hours of Operation: Maws malified			
Facility Weekday From 10 AMTo Zam Weekday From 1 am To Zam 10/8/14			
Friday From 10 am To 2 am Friday From 11 am To 2 am			
Saturday From 10amTo 2 am Saturday From 11 am To 2 am			
Sunday From 10 am 2 am Sunday From 11 am To Zam			
2. Type of ABC license applied for (check all applicable boxes): On-Premises Off-Premises (second application required) **Entertoinment shell case at Ilpm - seven days On-Premises (second application required)			
3. Type of alcoholic beverage applied for: (If Beer (I) Wine Mixed Beverage (per opplicant's request Mise) (per opplicant's request Mise) (per opplicant's request Mise)			
810 Union Street, Room 508 Norfolk, Virginia 23510 DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT - Medifications made Additional medical			
Telephone (757) 664-4752 Fax (757) 441-1569 on 10/16/14 M. S. (Revised July 2013) ** ** ** ** ** ** ** ** ** ** ** ** **			

Exhibit A – Page 2 Entertainment Establishment

4.	Will video games, pool tables, game boards or other types of games be provided? ☐ Yes (If more than 4, additional application required) ☐ No		
	4a	If yes, please describe type and number of each game to be provided:	
5.	Will p □ Ye	atrons ever be charged to enter the establishment? No .	
	5a.	If yes, why:	
	5b.	Which days of the week will there be a cover charge (circle all applicable days): Monday Tuesday Wednesday Thursday Friday Saturday Sunday	
6.	Will th	ne facility or a portion of the facility be available for private parties?	
	6a.	If yes, explain: Birthdays, Anniversaires, Showers (Private only)	
7.	Will a □ Yes	third party (promoter) be permitted to lease, let or use the establishment? No	
	7a.	If yes, explain:	
		ere ever be a minimum age limit?	

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July 2013)

Exhibit A – Page 3 Entertainment Establishment

9. Additional comments/description/operational characteristics or prior experience:

Korean + Japanes Restaurant.

Subway Franchise Business

Note: If smoking is permitted, then floor plans must be submitted showing all necessary building requirements for such facility

Signature of Applicant

Exhibit A – Floor Plan(s) Worksheet Entertainment Establishment

Er	ntertainment Establishment
0	Complete this worksheet based for each floor plan submitted with application. Floor plan(s) must be prepared by a registered design professional and include: Tables/seats Restroom facilities Bar Ingress and egress Standing room Disc Jockey/Band/Entertainment area) Outdoor seating Total maximum capacity (including employees)
1.	Total capacity
	a. Indoor Number of seats (not including bar seats) Number of bar seats Standing room b. Outdoor Number of seats c. Number of employees A lear endar A l
To (In	tal Occupancy door/Outdoor seats, standing room and employees) = <u>102</u>
2. 米(Entertainment List ANY type of entertainment proposed other than a 3 member live band, karaoke, comedian, or poetry reading.
	-S member bond, karooke only*
Occio	* Modifications made per discussion with applicant - 10/16/14 M. S.
3.	Will a dance floor be provided? ☐ Yes ☐ No

t.

If a disc jockey is proposed, a dance floor must be provided.

Square footage of establishment ______ Square footage of dance floor _____

3a.

If yes,

 If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508 Norfolk, Virginia 23510 Telephone (757) 664-4752 Fax (757) 441-1569 (Revised July 2013)

No Entertainment CODE COMPLIANCE INFORMATION
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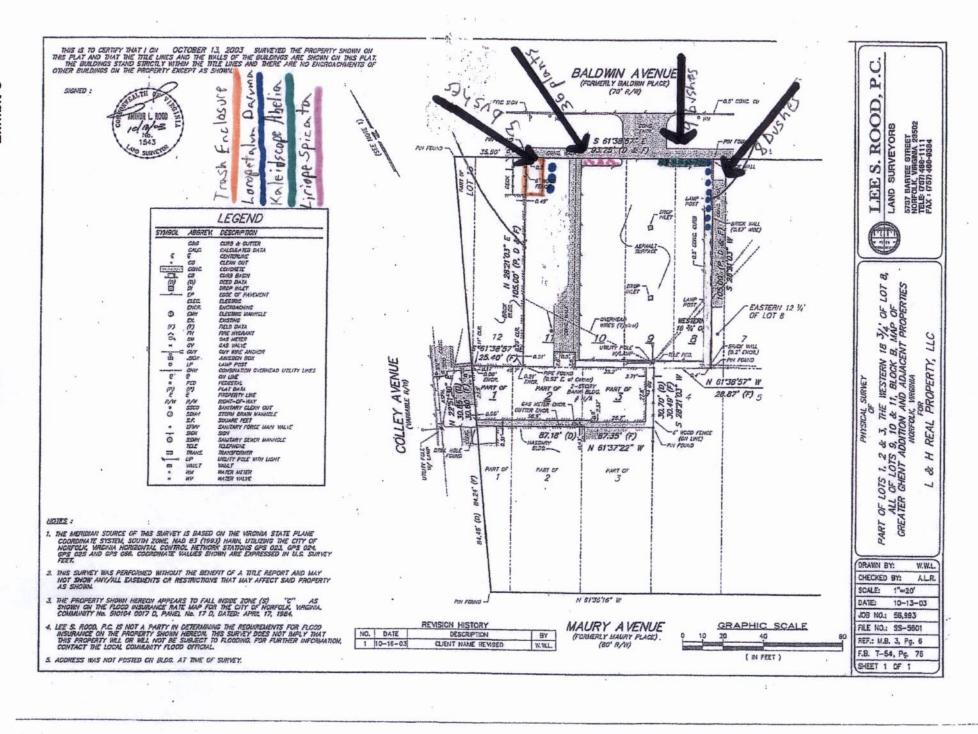
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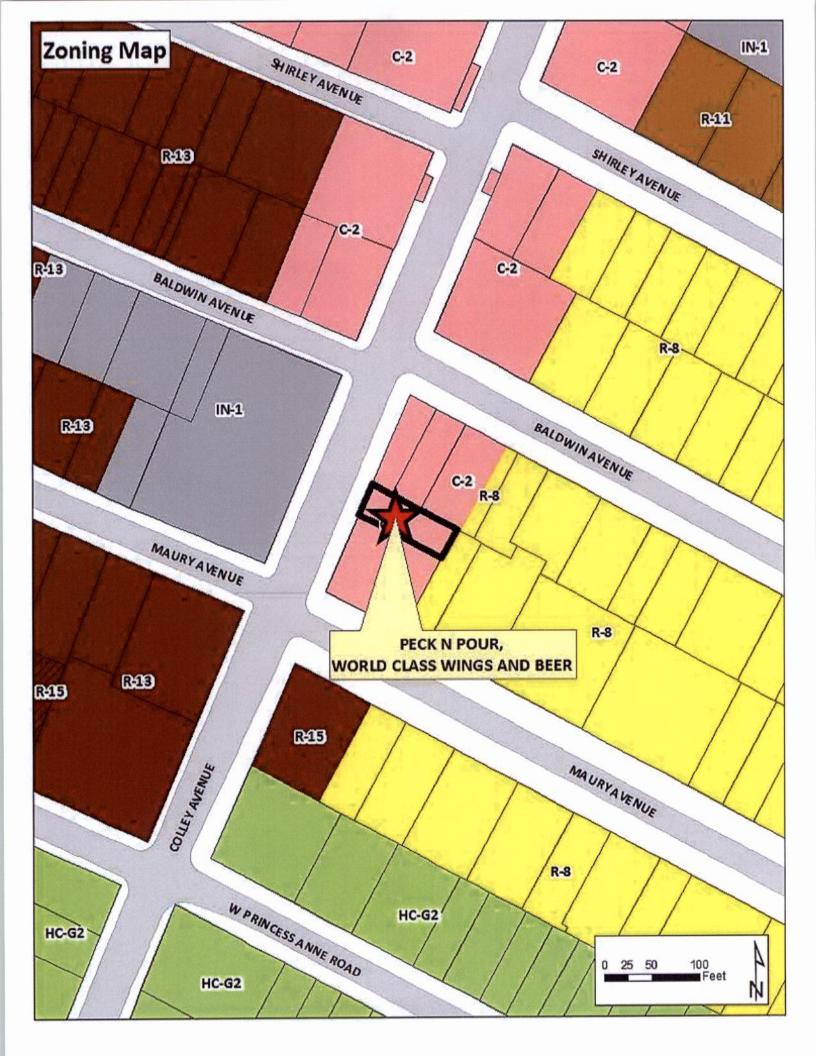
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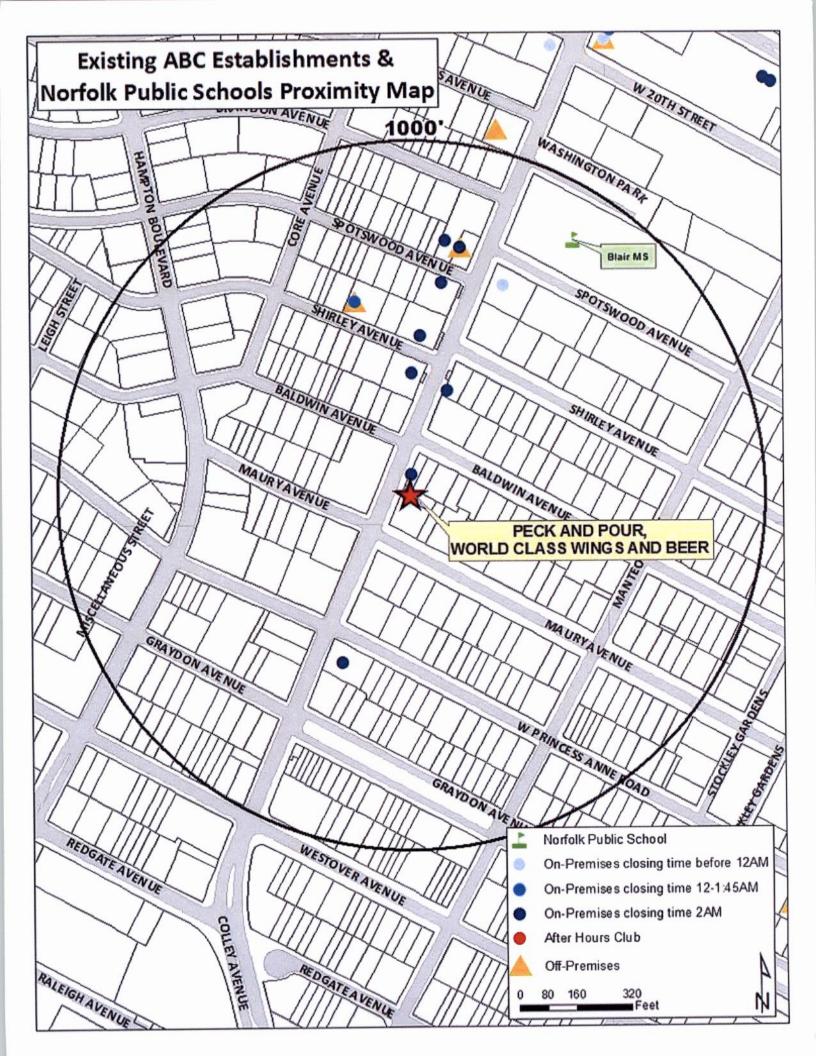
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APPLICATION ADULT USE SPECIAL EXCEPTION ENTERTAINMENT ESTABLISHMENT (Please Print)

Date 17/11/15
DESCRIPTION OF PROPERTY
Address 1310 Colley Ave. Norfolk, Va 23517.
Existing Use of Property Restaurant.
Proposed Use RCStaurant.
Current Building Square Footage
Proposed Building Square Footage 2000
Trade Name of Business (If applicable) PECK and Pour, World class wrigs and Bell
APPLICANT/ PROPERTY OWNER
1. Name of applicant (Last)(First)(First)(MI)
Mailing address of applicant (Street/P.O. Box) 2364 Nettleford Way.
(City) Virginia Beach (State) VA (Zip Code) 23453
Daytime telephone number of applicant (75) 869 - 831/6 ax number (75) 301-7437
E-mail address of applicant 9/00/218 @ Cox . Net .
E-mail address of applicant <u>GY00 218 @ COX</u> , Net. 2. Name of property owner (Last) <u>Levin</u> (First) <u>Richard</u> - L+ M Real Property L-L.C.
Mailing address of property owner (Street/P.O. box) 2106 Llewellyn Ave
City) Norfolk (State) VA (Zip Code) 235/7
Daytime telephone number of owner (75) 630 - 2342 Fax number ()
DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508 Norfolk, Virginia 23510 Telephone (757) 664-4752 Fax (757) 441-1569 (Revised July 2013) Application
Eating and Drinking Establishment
Page X

REQUIRED ATTACHMENTS

- Required application fee, \$355.00 (if check, make payable to the City of Norfolk).
 - Application fee includes a non-refundable \$5 technology surcharge.
- One 8½ inch x 11 inch copy of a floor plan prepared by a registered design professional drawn to scale showing seats/tables, restroom facilities, bar, ingress and egress, standing room, outdoor dining and total maximum capacity (see attached example)
- One 8½ x 14 inch or 11 x 17 inch copy of a physical survey, drawn to scale and showing site conditions and improvements (including portions of the right-of-way to the curb line):
 - Existing and proposed building structures
 - Driveways
 - Parking
 - Landscaping
 - Property lines (see attached example)
- One 8 ½ x 14 inch or 11 x 17 inch copy of a conceptual site plan drawn to scale and showing all proposed site improvements, landscaping, drive aisles and parking with dimensions, and proposed changes to parcel/property lines (including lease lines) if applicable.
- Completed Exhibit A, Description of Operations (attached)

CERTIFICATIO I hereby subm herein is true a	N nit this complete appli and accurate to the best	cation and certify the of my knowledge:	ne information contained
Print name:	(Property Owner)	_Sign: Rivhard	Levin 12/11/15
Print name:	(Applicant)	foo Sign:	(Date)
LY NEEDED IF A	PPLICABLE:		
Print name:	(Authorized Agent Signature	Sign:	

Security Plan

Of

PNP Norfolk, LLC

For

PECK AND POUR

WORLD CLASS WINGS AND BEER

1310 Colley Ave.

Norfolk, VA 23517

Definition of Security:

- 1. Freedom from the danger, risk, etc.; safety.
- 2. Freedom from worry, anxiety, or doubt; well-founded confidence.
- 3. Something that secures or makes safe; protection; defense
- 4. Precautions taken to guard against crime, attack, etc.

Goals:

- To create a safe & secure environment for both Peck and Pour Patrons and the neighboring homes and businesses in.
- To constantly maintain a level of control and safety for staff and guests arriving and departing the premises.
- To consistently mitigate any noise or inappropriate conduct by Peck and Pour patrons.
 This includes maintaining order inside the restaurant as well as outside, as to not to disturb the business or residents nearby.
- To peacefully resolve all dangerous situations before anyone is injured or property
 damage that can occur. Peck and Pour staff shall maintain an assertive presence by
 displaying integrity and professionalism while executing their duties and responsibilities
 in an effort to maintain security, protection and safety of members of the public.
- To ensure a safe evacuation in case of an emergency.
- To protect and promote the courteous, inviting and hospitable character of the neighborhood and the City of Norfolk generally.

Security Team:

 Peck and Pour will maintain a security staff consisted of employees that include a Security Team Leader (Certified) and the required addition staff members required in accordance city requirements.

General Duties and Responsibilities:

Each member of the security team will be made aware of the rules and setup in accordance with any floor plans approved through the City's special exception process. Security staff will work in concert to maintain order within the facility and outside to prevent any disturbances of nearby property owners or leaseholders.

All members will be made aware of the capacity and will have to abide by that number. It is the duty of every member of the team to protect the establishment, its patrons, and employees from any and all perceived and real threating situations.

Rules and Regulations:

Guns, knives, Tasers, or any form of controlled substances will not be allowed to be brought in by any guests. Anybody who is found to have them will be escorted out of the building.

Va. ABC laws and regulations will be consistently enforced. Intoxicated patrons will not be served alcohol. If they cause a disturbance they will be escorted off premises. The restaurant is a smoke free establishment. Patrons who smoke in doors will be warned and then escorted out.

<u>Access:</u> Vehicular and pedestrian traffic will enter and exit from back side-parking space of premises.

Integration:

All staff will comply with local law enforcement in situations which involve police intervention. Peck and Pour will actively participate in the local businesses and business associations in order to facilitate communication to address any related issues that may develop in corridor.

Uniforms:

All security team members will be required to wear clothing clearly depicting Peck and Pour logo on the front of the garment along with the designation STAFF in large letters on the back so as to be clearly identified to patrons, law enforcement and emergency responders.

Personnel:

The security team utilized in accordance with the special exception requirements and will be structured as follows:

- 1 Security team leaders
- 1-2 Door security team Member(s)
- 1-2 Roving security team Member(s)

General Duties and Responsibilities:

Security team members will be trained to set up and control queuing in accordance with any floor plans approved through the city's special exception process. Team member will communicate and work together to maintain order on premise and outside in the immediate surroundings so as to prevent any activity which could interfere with the quiet enjoyment of nearby residents.

Security team members will coordinate with any personnel hired by owner to provide security outside premises. Team members will also be responsible for communicating wait times and cut offs for any prospective patron queuing up to gain entry.

Security team members will be trained and knowledgeable of each other's respective duties and responsibilities so as to be able to assist other team members when necessary.

IT IS THE DUTY OF EVERY MEMBER OF THE TEAM TO PROTECT THE ESTABLISHMENT, ITS PATRONS, AND EMPLOYEES FROM ANY AND ALL REAL LIFE THREATENING SITUATIONS.

Security Team Leader Responsibilities:

Supervise all other security team members and monitor member compliance with this security plan.

Enforce occupancy limits in accordance with any floor plans approved through the city's special exception process. The leader may rely on information about the occupancy from other members of the security team.

The security team leader reports directly to the General Manager

Rove entire venue during operating hours to ensure flow and maintenance of open aisles and clear pathways to exits

Liaison to state and city enforcement officers and emergency responders

Coordinate configuration of the floor plan on a daily basis under the direction of the General Manager and in accordance with any floor plans approved through the city's special exception process.

Provide or arrange security accompaniment for employees departing at the end of their shift

During emergency evacuation, ensure that all security team members are properly executing emergency duties and responsibilities.

Maintain CPR certification

Door Security Team Members:

Control activity at main entrance(s) at all times, monitoring entry of patrons and maintaining clear egress.

Control access to the venue.

Check for proper identification of patrons seeking admission.

Enforce dress code, age limit, legitimacy of identification cards.

Enforce restrictions on contraband by employing one or more of the following techniques searching bags/purses, metal detector wands, walk through metal detectors.

Keep count of number of people entering and exiting establishment.

During emergency evacuation direct patrons out of exits and to a location far enough away from the building to be safe and to allow room for other patrons to continue moving away from the building and assemble

Maintain security presence in restroom corridor.

Maintain CPR certification.

Stationary and Roving Security Team Members.

Monitor continual compliance with VA ABC regulations.

Identify and address hazards as they arise throughout the facility.

Maintain security throughout the establishment.

Rove establishment during operating hours to ensure patron flow and maintenance of open isles and clear pathways to exits.

Regularly check emergency exits to ensure they are clear and accessible.

During emergency evacuation direct patrons to the clearest most accessible exit.

Maintain CPR certification.

Communication:

Flashlights will be provided to security team members. Handheld counters will be provided to door security team members to ensure an accurate occupancy count.

Electronic security:

The premise will be monitored by security cameras 24 hours a day. Cameras capable of recording at night will monitor the parking lot and adjacent area.

Emergency Evacuation Plan:

There are three emergency exits, face front, middle, and back side of the premises.

Door security team members will direct dining room patrons to the nearest available exit, either through the main entrance or the exit in front of building also servicing side and back of the building.

Door security team members will also be responsible for directing staff to the nearest available exit.

All building occupants will be directed to assemble across the building to await further instruction from emergency responders.

A copy of evacuation plan will be posted in establishment.

Simons, Matthew

From: Straley, Matthew

Sent: Wednesday, December 16, 2015 12:44 PM

To: 'info@ghentva.org'; 'Emily Birknes'; 'Ian_holder@ml.com'

Cc: Whibley, Terry; Winn, Barclay; Wilson, Denise; Simons, Matthew new Planning Commission application - 1310 Colley Avenue

Attachments: PeckNPour.pdf

Ms. Birknes and Mr. Holder,

Attached please find the application for a special exception to operate an entertainment establishment with alcoholic beverages at 1310 Colley Avenue.

The purpose of this request is to renew the existing entertainment special exception following its 18-month expiration.

The item is tentatively scheduled for the January 28, 2016 Planning Commission public hearing.

Should you have any questions, please e-mail or call Matt Simons at (757) 664-4750, matthew.simons@norfolk.gov

Thank you.

Matthew Straley

GIS Technician II
Norfolk Department of City Planning
810 Union Street, Suite 508 | Norfolk, Virginia 23510
Matthew.Straley@norfolk.gov | Tel: 757-664-4769 | Fax: 757-441-1569